

# ATTACHMENT D AND E FORMS

## NONDISCRIMINATION COMPLIANCE STATEMENT

STD. 19 (REV. 3-91) PNC

COMPANY NAME

San Jose State University Foundation

The company named above (hereinafter referred to as "prospective contractor") hereby certifies, unless specifically exempted, compliance with Government Code Section 12990 (a-f) and California Code of Regulations, Title 2, Division 4, Chapter 5 in matters relating to reporting requirements and the development, implementation and maintenance of a Nondiscrimination Program. Prospective contractor agrees not to unlawfully discriminate, harass or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, disability (including HIV and AIDS), medical condition (cancer), age, marital status, denial of family and medical care leave and denial of pregnancy disability leave.

## CERTIFICATION

*I, the official named below, hereby swear that I am duly authorized to legally bind the prospective contractor to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.*

OFFICIAL'S NAME

Nabil Ibrahim

DATE EXECUTED

4/15/99

EXECUTED IN THE COUNTY OF

Santa Clara

PROSPECTIVE CONTRACTOR'S SIGNATURE

PROSPECTIVE CONTRACTOR'S TITLE

Acting AVP, Graduate Studies and Research

PROSPECTIVE CONTRACTOR'S LEGAL BUSINESS NAME

San Jose State University Foundation



# APPLICATION FOR FEDERAL ASSISTANCE

|   |  |                                     |  |                            |
|---|--|-------------------------------------|--|----------------------------|
| <b>1. TYPE OF SUBMISSION</b><br><i>Application</i><br><input type="checkbox"/> Construction<br><input checked="" type="checkbox"/> Non-Construction |  | <b>2. DATE SUBMITTED</b><br>4/15/99 |  | Applicant Identifier       |
|   |  | <b>3. DATE RECEIVED BY STATE</b>    |  | State Applicant Identifier |
| <b>4. DATE RECEIVED BY FEDERAL AGENCY</b>   |  | Federal Identifier                  |  |                            |

  

|   |  |  |  |  |
|---|--|--|--|--|
| <b>5. APPLICANT INFORMATION</b>   |  |  |  |  |
| <b>Legal Name:</b> San Jose State University Foundation   |  | <b>Organizational Unit:</b> Moss Landing Marine Laboratories   |  |  |
| <b>Address (give city, county, state, and zip code):</b><br>P. O. Box 720130<br>San Jose, CA 95172-0130 |  | <b>Name and telephone number of person to be contacted on matters involving this application (give area code)</b><br>Technical: John Oliver 831-633-7250<br>Contractual: Carol Sooter 408-924-1430 |  |  |

  

|   |  |  |  |
|---|--|--|--|
| <b>6. EMPLOYER IDENTIFICATION NUMBER (EIN):</b><br><div style="border: 1px solid black; padding: 2px; display: inline-block;">             9 4 - 6 0 1 7 6 3 8           </div>   |  | <b>7. TYPE OF APPLICANT: (enter appropriate letter in box)</b> <span style="border: 1px solid black; padding: 0 5px;">N</span>   |  |
| <b>8. TYPE OF APPLICATION:</b><br><div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> New           <input type="checkbox"/> Continuation           <input type="checkbox"/> Revision         </div> If Revision, enter appropriate letter(s) in box(es): <span style="border: 1px solid black; padding: 0 5px; margin: 0 5px;"></span> <span style="border: 1px solid black; padding: 0 5px; margin: 0 5px;"></span><br>A. Increase Award      B. Decrease Award      C. Increase Duration<br>D. Decrease Duration      Other (specify): _____ |  | A. State                      H. Independent School Dist.<br>B. County                    I. State Controlled Institution of Higher Learning<br>C. Municipal                J. Private University<br>D. Township                K. Indian Tribe<br>E. Interstate                L. Individual<br>F. Intermunicipal          M. Profit Organization<br>G. Special District        N. Other (Specify) <u>Nonprofit Auxiliary to SJSU</u> |  |

  

|  |  |  |
|--|--|--|
| <b>10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:</b><br><div style="border: 1px solid black; padding: 5px; display: inline-block; margin-top: 10px;">             [ ] [ ] • [ ] [ ] [ ]           </div> <b>TITLE:</b> CALFED Delta-Bay Program |  | <b>11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:</b><br>Ecosystem Development at the Cosumnes River Preserve:<br>Model Restoration Experiments for the Central Valley and Beyond |
| <b>12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.):</b><br>Sacramento County  |  |  |

  

|                              |                        |  |                  |
|------------------------------|------------------------|--|------------------|
| <b>13. PROPOSED PROJECT:</b> |                        | <b>14. CONGRESSIONAL DISTRICTS OF:</b> |                  |
| Start Date<br>10/1/99        | Ending Date<br>9/30/02 | a. Applicant<br>16                     | b. Project<br>11 |

  

|                               |               |   |
|-------------------------------|---------------|---|
| <b>15. ESTIMATED FUNDING:</b> |               | <b>16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?</b><br>a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:<br><br>DATE _____<br><br>b. NO. <input checked="" type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372<br><input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW |
| a. Federal                    | \$ 492,597.00 |   |
| b. Applicant                  | \$ .00        |   |
| c. State                      | \$ .00        |   |
| d. Local                      | \$ .00        |   |
| e. Other                      | \$ .00        |   |
| f. Program Income             | \$ .00        |   |
| g. TOTAL \$ 492,597.00        |               | <b>17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?</b><br><input type="checkbox"/> Yes      If "Yes," attach an explanation. <input checked="" type="checkbox"/> No  |

  

|  |  |   |  |                                     |
|--|--|---|--|-------------------------------------|
| <b>18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.</b> |  |   |  |                                     |
| a. Typed Name of Authorized Representative<br>Nabil Ibrahim  |  | b. Title<br>Acting AVP, Graduate Studies and Research |  | c. Telephone number<br>408-924-2488 |
| d. Signature of Authorized Representative<br>  |  | e. Date Signed<br>4/15/99                             |  |                                     |

**ASSURANCES - NON-CONSTRUCTION PROGRAMS**

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL



TITLE

Acting AVP, Graduate Studies and Research

APPLICANT ORGANIZATION

San Jose State University Foundation

DATE SUBMITTED

4/15/99

## BUDGET INFORMATION - Non-Construction Programs

## SECTION A - BUDGET SUMMARY

| Grant Program Function or Activity<br>(a) | Catalog of Federal Domestic Assistance Number<br>(b) | Estimated Unobligated Funds |                    | New or Revised Budget |                    |              |
|---|--|-----------------------------|--------------------|-----------------------|--------------------|--------------|
|   |  | Federal<br>(c)              | Non-Federal<br>(d) | Federal<br>(e)        | Non-Federal<br>(f) | Total<br>(g) |
| 1. Bay-Delta Program                      |  | \$                          | \$                 | \$ 167,194            | \$                 | \$ 167,194   |
| 2.  |  |                             |                    |                       |                    | \$0          |
| 3.  |  |                             |                    |                       |                    | \$0          |
| 4.  |  |                             |                    |                       |                    | \$0          |
| 5. TOTALS                                 |  | \$0                         | \$0                | \$ 167,194            | \$0                | \$ 167,194   |

## SECTION B - BUDGET CATEGORIES

| 6. OBJECT CLASS CATEGORIES             | GRANT PROGRAM, FUNCTION OR ACTIVITY |     |     |     | Total<br>(5) |
|--|-------------------------------------|-----|-----|-----|--------------|
|  | (1) Bay-Delta Program               | (2) | (3) | (4) |              |
| a. Personnel                           | \$ 91,750                           | \$  | \$  | \$  | \$ 91,750    |
| b. Fringe Benefits                     | \$ 4,588                            |     |     |     | \$ 4,588     |
| c. Travel                              | \$ 4,000                            |     |     |     | \$ 4,000     |
| d. Equipment                           | \$ 9,400                            |     |     |     | \$ 9,400     |
| e. Supplies                            | \$ 2,500                            |     |     |     | \$ 2,500     |
| f. Contractual                         |                                     |     |     |     | \$0          |
| g. Construction                        |                                     |     |     |     | \$0          |
| h. Other                               | \$ 1,500                            |     |     |     | \$ 1,500     |
| i. Total Direct Charges (sum of 6a-6h) | \$ 113,738                          |     |     |     | \$ 113,738   |
| j. Indirect Charges                    | \$ 53,457                           |     |     |     | \$ 53,457    |
| k. TOTALS (sum of 6i and 6j)           | \$ 167,195                          |     |     |     | \$ 167,195   |
| 7. PROGRAM INCOME                      | \$0                                 | \$0 | \$0 | \$0 | \$0          |

| SECTION C - NON FEDERAL RESOURCES  |               |           |                   |            |
|------------------------------------|---------------|-----------|-------------------|------------|
| (a) Grant Program                  | (b) Applicant | (c) State | (d) Other sources | (e) TOTALS |
| 8. Bay-Delta Program               | \$0           | \$0       | \$0               | \$0        |
| 9.                                 |               |           |                   | \$0        |
| 10.                                |               |           |                   | \$0        |
| 11.                                |               |           |                   | \$0        |
| 12. TOTALS (sum of lines 8 and 11) | \$0           | \$0       | \$0               | \$0        |

| SECTION D - FORECASTED CASH NEEDS  |                    |             |             |             |             |
|------------------------------------|--------------------|-------------|-------------|-------------|-------------|
|                                    | Total for 1st Year | 1st Quarter | 2nd Quarter | 3rd Quarter | 4th Quarter |
| 13. Federal                        | \$167,194          | \$41,799    | \$41,799    | \$41,799    | \$41,799    |
| 14. NonFederal                     | \$0                | \$0         | \$0         | \$0         | \$0         |
| 15. TOTAL (sum of lines 13 and 14) | \$167,194          | \$41,799    | \$41,799    | \$41,799    | \$41,799    |

| SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT |                                |            |           |            |
|---|--------------------------------|------------|-----------|------------|
| (a) Grant Program   | FUTURE FUNDING PERIODS (YEARS) |            |           |            |
|   | (b) First                      | (c) Second | (d) Third | (e) Fourth |
| 16. Bay-Delta Program   | \$ 159,511                     | \$ 165,892 |           |            |
| 17.   |                                |            |           |            |
| 18.   |                                |            |           |            |
| 19.   |                                |            |           |            |
| 20. TOTALS (sum of lines 16 - 19)   | \$159,511                      | \$165,892  | \$0       | \$0        |

| SECTION F - OTHER BUDGET INFORMATION |   |
|--------------------------------------|---|
| 21. Direct Charges: \$0              | 22. Indirect Charges \$335,100 Base (Modified Total Direct Cost)<br>\$157,497 Total Indirect Expense (47% MTDC) |
| 23. Remarks                          |   |